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OFFICE OF U.S. CHIEF OF COUNSEL
FOR PROSECUTION OF AXIS CRIMINALITY

No. 382 - PS 4 September 1945

Source of Original United Nations War Crimes Commission

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Translation of a written statement by Korvetten Kapitan Moehle.

Date: 17 July 1945; Copy (x); Language English

Translated by: United Nations War Crimes Commission

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 4 September 1945
Unknown - Translated copy - OCC Nurnberg

PERSONS OR ORGANIZATIONS IMPLICATED: DOENITZ, Karl:
WEHRMACHT: OKM; General Staff

REFERENCES TO INDEX HEADING:
AGGRESSIVE WAR
ATROCITIES: against Military Personnel
WEHRMACHT: OKW: Navy: OKM; WEHRMACHT: OKW: General Staff

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM: LEADS: MOEHLE, Korvetten Kapitan

SUMMARY OF RELEVANT POINTS (with page references):

1. The order of September 1942 is directed to all U-Boat captains, ordering them not only to torpedo the ships but also to kill the survivors. (Page 1)
2. Moehle states firmly that he received the order from Doenitz and only passed it on to the U-Boat Commanders in his capacity as senior officer of the Fifth U-Boat Flotilla (Page 1).

Landmann

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CONFIDENTIAL

TRANSLATION OF DOCUMENT NO. 382-PS
OFFICE OF U.S. CHIEF OF COUNSEL

TRANSLATION OF A WRITTEN STATEMENT BY KORVETTENKAPITAN MOEHLE DATED 19th JULY 1945

A. ORDER OF SEPTEMBER, 1942

In September 1942 (I can no longer recollect the exact date), the following W/T message was given to all U-boats and operational flotillas by the Commander in Chief U-boats in officers' cypher, i.e. Top Secret:-

1. "All rescue measures such as righting of capsized lifeboats, going alongside, provisioning, towing to land etc., are absolutely forbidden and must cease.

2. Previous orders concerning the rescue and taking prisoner of masters and chief engineers remain in force since their interrogation is of the highest importance to the High Command. Boats should rescue as many as they can carry.

3. All rescue measures contradict the most primitive demands of warfare that ships and crews should be destroyed.

4. You must be hard and remember that the enemy in his bombing attacks on German towns has no consideration for women and children.

This W/T message was without any doubt sent out at the instigation of the Commander in Chief U-boats himself, i.e. Grand Admiral Doenitz. In view of my knowledge of the way in which the Staff of the Chief Command U boats worked, I consider it quite impossible that an order of such importance could have been given without his knowledge.

I do not know whether the order was given with the concurrence or at the instigation of the Supreme Command, i.e. the Fuehrer's headquarters, or at the instigation of the Fuehrer himself after one of his many conferences with Grand Admiral Doenitz.

As Senior Officer of the 5th U-boat Flotilla, it was my duty to pass on these instructions of Commander in Chief U-boats to Commanding Officers of U-boats which were leaving on their war patrols.

So far as concerns the order itself, it undoubtedly states, and in particular for those who know the manner in which the Commander in Chief U-boats is wont to give his orders, that the High Command regard it as desirable that not only ships but also their crews should be regarded as objects of attack, i.e. that they should be destroyed; at that time German propaganda was continually stressing the shortage of crews for enemy merchant ships and the consequent difficulties. I too understood this order in that way.

Had the point of view of the High Command been otherwise the order would undoubtedly have been expressed in different words. It would then only have stated that for reasons of security rescue measures were to cease and this order would have been passed as a normal secret W/T message. It was perhaps even the intention that this order could be interpreted in two ways and the reason may be that in the first place, it contravenes international laws of warfare and secondly, that it was an order which must give rise to serious conflicts of conscience in commanding officers.

It was very difficult for me as senior officer of the Flotilla to ask for clarification of this order from the Commander in Chief U-boats since while I was senior officer (15.6.41 - 5.5.45) I could only, owing to lack of time, visit the Commander in Chief U-boats four

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(Cont'd)

or five times. I could not discuss this order with officers on staff as all messages in officers cypher might only be received me. I was moreover of the opinion that commanding officers who were uncertain as to the meaning of this particular point always had the opportunity (an opportunity which they often took on other points) to obtain a clear understanding of this point when they went for their instructions to the staff of Commander in Chief U-boats itself; those instructions by the staff of the Commander in Chief U-Boats were for the great part given by very young officers with much more recent operational experience than I had - the officers on Commander in Chief U-boat's staff changed frequently. Generally speaking, with very few exceptions, commanding officers received their instructions from the staff of Commander in Chief U-boats after I myself had given them their instructions. Commanding officers were generally speaking in much closer personal contact with those young staff officers than they were with myself as senior officer of a purely transit flotilla. There were many commanding officers whom I only saw and got to know for a few days in Kiel while they were fitting their boats out for operations.

Having given considerable thought to the whole of this matter I now remember that during one of my visits to Commander in Chief U-boats' staff in the winter of 1942/3 or the summer '43 one of the staff officers, Korvettenkapitaen HESSLER or perhaps more likely Korvettenkapitaen KUMMETZ, with whom because of very close ties of friendship I used to converse intimately as long as he was with Commander in Chief U-boats' staff, told me of the following occurence (whether I broached the subject or how the matter came up I can no longer remember).

A type VII boat (500-tonner) reported in her war log that when outward bound from a base in France she met far out in the Bay of Biscay a raft with five enemy airmen, but was not able to take them on board owing to shortage of room (she had a complement of 54 and carried full provisions for 14 weeks). The boat therefore proceeded without taking any notice of the survivors.

This action of the U-boat was vehemently denounced by the Commander in Chief U-boats' staff. It was stated that the would have acted more correctly in destroying this raft since it was highly probable that the enemy air crew would be rescued by the enemy and in the meantime might once more have destroyed a German U-boat.

This occurence made the views of the Commander in Chief U-boats clear to me.

As concerns making the order known to commanding officers the order was always passed on during a commanding officers' conference while their boats were having their final overhaul or while they were being fitted out in Kiel for operational patrols; during these conferences I passed on to commanding officers once again all important orders about the equipping of their boats, procedure on departure, in home waters and while in convoy to Norway. Operational orders were not given by the flotilla; they were always given by the Commander in Chief U-boats himself or by Captain U-boats West on his behalf.

I was wont to pass on this controversial and serious order with more or less the following words : - "I have now to inform you of a High Command order concerning conduct towards survivors. It is a very ticklish matter. Commander in Chief U-boats in September 1942 gave the following order in an 'officers only' signal (..... the exact words of the order were then read out."

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(cont'd)

Since I am myself in my innermost conscience in disagreement with this order, I was very glad that in most cases commanding officers raised no queries and I was therefore relieved of any further discussion on this point.

Sometimes however queries were raised and I was wont to answer somewhat as follows :-

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(Continued) --SCR-1

I will explain the viewpoint of the High Command, which gave this order, by reference to the following event: "I then mentioned the example of the Type VII boat in the Bay of Biscay together with the explanation and viewpoint expressed to me by Commander-in-Chief U-boats' staff. I then went on to say, "Gentlemen, you must yourselves decide what is compatible with own consciences. The safety of your own boat must always remain your prime consideration.

Since the introduction of total underwater war ("Schnorchel"), I have in this connection in various ways further stated that commanding officers were in a much easier position in this respect since they had no occasion to surface and that the order was therefore illusory for them. They had to keep clear of everything which was not worth the firing of a torpedo.

I also remember that many commanding officers after the order of September 1942 had been read said, "That is quite clear and unequivocal however hard it may be". Had this order been given to me as a commanding officer I would have taken note of it in silence but in practice would always have been able with a clear conscience not to carry it out since I consider I would endanger my own boat by acting in this way, (i.e., by shooting at life-boats).

If therefore, U-boat commanding officers state that they received from me the order to destroy life-boats, this does not correspond with the facts, but they received from me quite insufficiently clearly expressed instructions from the High Command together with my personal views thereon.

Before the order of September 1942 was issued I never discussed this difficult question at a commanding officers' conference and the subject of conduct towards survivors was never broached.

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(Continued)--SOR-2

B. Conduct Towards Neutral and Hospital Ships

On this matter, which I treated together with what has gone before, I gave commanding officers the following directions:

There was an express order of the High Command, and Commander-in-Chief U-boats was adamant on this point and would relentlessly pursue the breach of it by court martial (i.e., he insisted on the order being strictly obeyed), that no neutral or Red Cross ship might be molested even if the enemy misused neutral flags or the Red Cross.

The political results of sinking a neutral were much more serious than would have been the usefulness of the tonnage sunk.

I told commanding officers for their guidance in doubtful cases--in bad visibility, when neutral markings were not distinct, etc.,- that it was better to allow five enemy vessels to go free than to sink one neutral.

So far as concerns the stopping and examination of neutrals, an order was made in January 1944 that in particular Spanish and Portuguese steamers in the North and Central Atlantic were to be stopped and examined for contraband and members of enemy nations of military age. I told commanding officers, "Don't touch them. Stay underwater. You are endangering yourselves too much by that because you will certainly be reported by wireless and we know from experience that when such examinations are made, watchfulness is liable to suffer. You are only exposing yourself to the danger of being surprised. If a ship carries neutral markings, let it go by unscathed."

Objection was often made that German hospital ships had often been destroyed by the enemy, as German propaganda had stressed for years. My answer was: That does not matter, however unpleasant it may be. The order of the High Command is decisive and binding. Politics come before warfare.

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C. Rendering of Reports.

There was an order - I do not remember whether it was in the form of a written or verbal instruction - that no events during a war patrol which contravened established international agreements should be entered in the war log. I believe that the reason for this order was that only copies were made of war logs and were available to many authorities; there was always the danger therefore that events of this nature would become known and it was undoubtedly undesirable for reasons of propaganda that this should be so.

Events of this nature were only to be reported if asked for when commanding officers made their personal reports; these were invariably made after every patrol to Commander in Chief U-boats or later in certain instances to Captain U-boats.

I also gave the commanding officers instructions on this point.

To conclude, I can only stress that the order of September 1942 appeared to me personally to go too far and I am in total disagreement with it at heart. As a serving officer I had however to carry out the command to pass on this order to commanding officers for their instruction.

During the long time that I was senior officer of the Flotilla no single commanding officer mentioned to me that he could not reconcile obedience to this order with his conscience and that he was therefore unable to carry it out.

An order of this nature was never given by me, i.e. on my own initiative, and could not be given by me since, had I exceeded my authority in so serious a way, I would immediately and without question have been relieved.

(signed) HOFFIE
Korvettenkapitaen

I, C. W. BEDFORD 110361, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document 382-PS.

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OFFICE OF U.S. CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY
Date 21 September 1945

Doc. No. 682-PS

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT (Under following headings).

Title and Nature: Thierack's notes on a discussion with Dr. Goebbels re killing of anti-social persons.

Date: 14 Sept '42 Original (X) Copy ( ) Language: German

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 21 Sep '45: OCC File, Nurnberg

SOURCE OF ORIGINAL: 7-B

PERSONS IMPLICATED: HITLER, Adolf; THIERACK, Otto G.

REFERENCES TO INDEX HEADINGS (Key to Par. nos. of Summary below):
1. ATROCITIES: Against Civilians
2. CIVIL LIBERTIES AND OTHER RIGHTS: Criminal Law and Procedure, Changes in
3. FORCED LABOR
4. CONCENTRATION CAMPS
5. JEWS, PERSECUTION OF
6. POLICE
7. SS
8. REICH GOVERNMENTAL AGENCIES: Ministry of Justice

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM; LEADS: Dr. Josef Goebbels, Dr. Neumann, Deputy Gauleiter Sieh, Graf Holldorf

SUMMARY OF RELEVANT POINTS (with page references).

1. This transcript of the gist of the discussion is initialed by Thierack.
2. It appears from the document that the prestige of German judges received a bad blow through a Hitler speech of 26 Apr. '42.
3. Goebbels suggests that steps should be taken to restore gradually the confidence of the nation to judges. The Minister of Justice should select a number of good popular decisions every two weeks and edit them in newspaper style. Goebbels will then see to it that they will be published in all newspapers. This will be a way to bring them to the attention of the Fuehrer who reads almost exclusively court-room reports when he reads the newspapers.
4. As far as the destruction of anti-social lives is concerned, Goebbels favors the extermination of all Jews and gypsies, of Poles when sentenced to three or four years, Czechs and Germans when sentenced to death, life imprisonment or to protective custody. The idea of extermination through work is the best.

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5. Goebbels then referred to a case "Janowsky" in which the prosecutor was evidently incited by Deputy Gauleiter Sich. However, once a sentence has been passed it should be executed.
6. The rest of the document contains discussions of appointments in the Ministry of Justice.

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Lt. Buchsbaum

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TRANSLATION OF DOCUMENT 682-PS
OFFICE OF U S CHIEF OF COUNSEL

DISCUSSION WITH DR. GOEBBELS
ON SEPT. 14, 1942 IN
BERLIN

1 - 2.15 p.m.

2- With regard to the destruction of asocial life Dr. Goebbels has the opinion that the following groups should be exterminated: Jews and gypsies unconditionally, Poles who have to serve 3 - 4 years of penal servitude, and Czechs and Germans who are sentenced to death or penal servitude for life or to security custody (Sicherungsverwahrung) for life. The idea of exterminating them by labor is the best. For the rest however, except in the aforementioned cases, every case has to be dealt with individually. In this case, of course, Czechs and Germans have to be differently judged. There may be cases where a German sentenced to 15 years of penal servitude is not to be considered asocial, but in contrast to this a person sentenced to penal servitude up to 8 years may be.

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 682-PS

6 November 1945

I, CHARLES E. BIDWELL, S/SGT, 13146054, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 682 PS.

Charles E. Bidwell.
CHARLES E. BIDWELL
S/Sgt, 13146054

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OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 26.8.48

I certify that Document Number 682-PS was introduced into evidence as Exhibit Number 389-RF in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

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C E R T I F I C A T E

I hereby certify that the annexed document 682-PS No. RF-389 is a photostat of an original French document submitted in evidence by the ~~United States~~ Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nürnberg, 20.8.48

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

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Filed June 31, 1946

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